



UNITED STATES PATENT AND TRADEMARK OFFICE

mn
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,781	01/05/2001	Craig S. Skinner	PALM-3551.US.P	3204
26371	7590	06/22/2007	EXAMINER	
FOLEY & LARDNER LLP			CHEN, ALAN S	
777 EAST WISCONSIN AVENUE			ART UNIT	
MILWAUKEE, WI 53202-5306			PAPER NUMBER	
			2182	
			MAIL DATE	DELIVERY MODE
			06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/755,781

Applicant(s)

SKINNER, CRAIG S.

Examiner

Alan S. Chen

Art Unit

2182

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). labeled #1
13. ☐ Other: _____.

Alan S. Chen
6/19/07

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments for the claims are not commensurate with the actual scope of the claims. Applicant first argues the prior art reference to Fitzgerald does not forward a network unit identifier when "booted up". The claims appear to indicate that this boot up is for the processor in the first limitation. Fitzgerald does not limit the memory card to be inserted into the card reader, Fig. 2, element 202, after the processor has been turned on. It is completely reasonable that the memory card is maintained in card reader before a power up sequence of the hub. Furthermore, there is no indication of what constitutes the length of the boot up sequence of the processor. Thus, in the reference to Fitzgerald, the processor is turned on, shortly after, the user inserts the memory card, all of this completely within the boot up time of the processor. Fig. 3 of Fitzgerald, in it's entirety, can be construed to the boot-up of the processor. Clearly the purpose of the processor in Fitzgerald is to interface the PDN, element 102 to the external networks, elements 104-108. Until this is possible, the processor is still in a boot-up sequence.

Applicant next argues claim 1 recites the network unit identifier is forwarded from a device to be configured for communicating on the network to the communication network and not from the memory card to the hub as disclosed in Fitzgerald. Examiner points out that nowhere in claim 1 states from where and to where the network unit identifier is forwarded. Fitzgerald shows at least two origins and destinations of a network unit identifier. The first is the memory card to the hub and the second is the hub to the external networks. Either of these is sufficient to meet the claim limitations in claim 1.

Applicant next argues the present claim 1 requires the network unit device identifier to be forwarded from the device to be configured for communicating on the network to the communication network. The limitations of claim one do not have a direct association between "a device" and "a network unit device identifier", e.g., the device may be entirely a separate element from the network unit device. Thus, applicant's arguments are not commensurate with the scope of the claims.

Applicant points out previous prosecution history as well as other related applications. Examiner notes this, however, the RCE filed 10/11/2006 and subsequent revisions to the claims, prosecution has occurred based on changes in the scope of the claims. Thus, previous prosecution is not necessarily relevant to the current set of claims. Also, the serial numbers of the two child applications were not known to the Examiner until after prosecution was closed. Thus, potential rejections, such as double patenting will not be considered.